

## REMARKS

Claim 1 is pending.

Claim 1 is rejected under 35 USC § 102(b).

Claim 1 is amended.

Claims 2-5 are canceled.

Claims 6-15 are added.

No new matter is added.

### *Preamble*

The preamble of claim 1 merely recites the use or purpose (e.g. “for connecting neighboring partitioning frames each formed with connecting holes”) of the claimed invention such that the body of the claim following the preamble is a self-contained description of the structure and does not depend on the preamble for completeness. Accordingly, the examiner has determined that the preamble does not limit the claim. The examiner has considered the claims without combination (emphasis added). See MPEP 2111.02 and *Kropa v. Robie*, 88 USPQ at 480-481; *Rowe*, 42 USPQ2d at 1553; and *IMS Technology Inc. v. Haas Automation Inc.*, 54 USPQ2d 1129, 1137 (Fed. Cir. 2000).

The examiner notes that the applicant has amended the claims to change the name of the apparatus to a “cubicle partitioning frames connecting apparatus” (line 1 of claim1). However, this does not amount to a positive recitation of “partitioning frames” and as such the “partitioning frames” remain recited purely as an intended use for the “connecting apparatus”. Applicant is reminded that where there is physical identity between the subject matter of the claim and the prior art, the label given to the claimed subject matter does not distinguish the invention over the prior art. *In re Pearson*, 494 F. 2d 1399, 1403, 181 USPQ 641, 644 (CCPA 1974); *In re Lemin*, 326 F. 2d 437, 140 USPQ 273 (CCPA 1964).

The Applicant has amended claim 1 so that the preamble is in proper form and complies with the above cited references.

### *Claim Objections*

Claim 1 is objected to because of the following informalities:

The limitation “slowly” (line 10 of claim 1) is a relative term and should be deleted to improve claim clarity since it is unclear what elements are “slowly-rising-and-falling” and what elements are not (e.g., elements that are quickly-rising-and-falling).

The limitation “easily” (line 15 of claim 1) is a relative term and should be deleted to improve claim clarity since it is unclear what elements are “easily [insertable]” and what elements are not (e.g., elements that are difficultly insertable).

Claim 1 has been amended, and in amended form does not include these words that were found objectionable.

### ***Claim Rejections-35 USC § 102***

Claim 1 is rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,620,291 to Hayes et al. (“Hayes”).

Claim 1 has been amended to further distinguish the novel features of claim 1 from the teaching of Hayes. Claim 1, in amended form, is directed to a connector apparatus for connecting partitioning frames. The apparatus comprises:

- a connecting plate formed at one end thereof with a first hitching jaw for insertion into and passing through a connecting hole formed in the partitioning frames and a second hitching jaw formed at the other end thereof for not passing through said connecting hole;
- a leaf spring for being insertedly hitched by said first hitching jaw of said connecting plate; and
- a connector housing for pressing said leaf spring to be insertedly hitched by said first hitching jaw of said connecting plate, wherein an inclining hitching surface is formed inside said connector housing for pressing said leaf spring when hitched by said first hitching jaw to rotate said connector housing, and a third hitching jaw is protrusively formed at said inclining hitching surface for restraining the rotation when said connector housing is rotated at a prescribed angle, wherein said connector housing includes at least *one hole formed through at least one sidewall* of the connector housing, the hole formed to allow an assisting tool to be inserted to assist in rotating the connector housing when it is coupled to the first hitching jaw of the connecting plate. (Emphasis added)

Specifically, claim 1 now additionally recites, “said connector housing further comprises at least one hole formed through at least one sidewall of the connector housing, the hole formed to allow an assisting tool to be inserted to assist in rotating the connector housing when it is coupled to the first hitching jaw of the connecting plate,” to further clarify the patentable subject matter and to facilitate the allowance of this case.

Hayes teaches no such feature or structure besides other novel features. Further, in the official action, the Examiner argues that Hayes teaches the hole by disclosing element 34 of Fig. 1. The Examiner states that a driver (such as a flat head screwdriver) or a rod (such as the driving rod of a spanner wrench) could be inserted into the hole 34 to assist turning.

The Applicant, however, points out this supposed teaching is practically *impossible* because the end of the bolt or pin 10 protrudes *through* the hole (See Fig. 7, for example),

which would preclude the insertion of an assisting tool into hole 34. In particular, in Hayes, because the slot 34 is formed in the direction of a vertical axis on the nut 30, and the shape of the slot 34 is not designed for the insertion of an assisting tool such as a driver or rod, it is practically impossible to insert the assisting tool into the slot 34 to assist in rotating the connector housing when it is coupled to the first hitching jaw of the connecting plate.

Thus, Hayes does not teach all of the claim limitations of claim 1, and thus cannot anticipate claim 1. As such the Applicant submits that claim 1 is in proper form for allowance and requests that the rejection under § 102(b) removed.

### *New Claims*

Claims 6-15 have been added to the application. New claim 6 is directed to connector apparatus for connecting partitioning frames. The apparatus comprises:

- a connecting plate including a first hitching jaw formed at one end of the connecting plate and a second hitching jaw formed at the other end of the connecting plate, wherein the first hitching jaw is formed to be inserted through a connecting hole in the partitioning frames;
- a leaf spring including an opening, the leaf spring structured to allow the first hitching jaw of the connector plate to pass through the opening; and
- a connector housing including:
  - an insertion slot for receiving the first hitching jaw of the connecting plate, the insertion slot formed so as to allow the first hitching jaw of the connecting plate to pass through the insertion slot,
  - an internal rotational ramp to engage the first hitching jaw of the connecting plate, wherein the initial portion of the internal rotational ramp is inclined upwardly from the insertion slot and a subsequent portion of the internal rotational ramp is inclined downwardly towards the insertion slot, and
  - a protruding jaw formed radially inward at an end of the subsequent portion of the internal rotational ramp, wherein the protruding jaw is formed to prevent rotation of the first hitching jaw of the connecting plate past the end of the subsequent portion of the internal rotational ramp.

In particular, claim 6 includes the limitations of a connector housing including an internal rotational ramp that includes an initial portion that is inclined upwardly from the insertion slot and a subsequent portion of the internal rotational ramp is inclined downwardly towards the insertion slot. In contrast Hayes teaches only an upwardly inclined ramp that ends at a notch. See Col. 3, lines 5-12 and Fig. 1.

In addition, Hayes does not teach a protruding jaw formed radially inward and the end of the internal ramp to prevent rotation of the connecting bolt. Rather, as is apparent from Fig. 1 of Hayes, the connector nut of Hayes may be continually rotated upon reaching the end of the internal ramp. Thus, because Hayes does not teach all of the limitations of claim 6, he

cannot anticipate claim 6. As such the Applicant submits that claim 6 is in proper form for allowance.

Claims 7-15 depend from claim 6. In addition, claim 7 includes the limitation of at least one hole formed through at least one sidewall of the connector housing, where the hole is formed to allow an assisting tool to be inserted to assist in rotating the connector housing when it is coupled to the first hitching jaw of the connecting plate. As mentioned above, Hayes does not teach or otherwise disclose this limitation. Thus, based on at least on this dependency of claims 7-15 and the remarks above with respect to claim 7, the Applicant submits that claims 7-15 are likewise in proper form for allowance.

***Conclusion***

For the foregoing reasons, reconsideration and allowance of claims 1 and 6-15 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

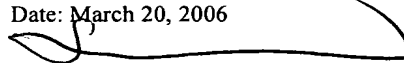
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Date: March 20, 2006



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